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10/043,673

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Brian Shuster

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10/24/2006

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EXAMINER

DADA, BEEMNET W

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/043,673 | Applicant(s) SHUSTER ET AL. | |
| | Examiner Beemnet W. Dada | Art Unit 2135 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 17-28 and 33-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of Group I, claims 1-16 and 29-32, in the reply filed on July 27, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 1-16 and 29-32 have been examined.

Response to Arguments

2. Applicant's arguments filed on April 10, 2006 have been fully considered but they are not persuasive. Applicant argued the art on record fails to teach generating an optical barcode signal and converting the optical barcode signal into audio barcode tones to form an audio barcode signals. Examiner disagrees.

3. Examiner would point out that, Ogasawara teaches scanning one or more product barcodes to generate an optical barcode signal [column 14, lines 5-13, column 5, lines 30-40 and column 7, lines 13-22] and transmitting / receiving, via a communications device (i.e., wireless telephone), the one or more scanned barcodes signals to a transaction server computer, such that the transaction computer processes an audio barcode signal in accordance with a barcode processing instruction [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18]. Ogasawara further teaches communication audio data between a wireless device and the server computer using microphone and speaker [see column 11, lines 36-44]. Ogasawara is silent on converting optical barcode signal into audio barcode tones to form an audio barcode signal and transmitting scanned barcodes as audio tones. However, Colavin teaches a method of converting optical barcode signals into audio barcode tones to form audio barcode signal and transmitting the audio tones to a device

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over a network [see for example, 5, paragraphs 0021 and 0022]. Examiner asserts that the art on record teaches the claim limitations and therefore the rejection is respectfully maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara US Patent 6,512,919 B2 in view of Colavin EP 0905953 A2.

6. As per claims 1 and 9, Ogasawara teaches a method comprising:
scanning one or more product barcodes to generate an optical barcode signal [column 14, lines 5-13, column 5, lines 30-40 and column 7, lines 13-22];
and transmitting / receiving, via a communications device (i.e., wireless telephone), the one or more scanned barcodes signals to a transaction server computer, such that the transaction computer processes an audio barcode signal in accordance with a barcode processing instruction [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18].

Ogasawara further teaches transmitting the product barcodes via a wireless telephone. It is also old and well known in the art that wireless telephone communication uses audio tones for data transmission and reception. Ogasawara further teaches

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communication audio data between a wireless device and the server computer using microphone and speaker [see column 11, lines 36-44]. Ogasawara is silent on converting optical barcode signal into audio barcode tones to form an audio barcode signal and transmitting scanned barcodes as audio tones.

Colavin teaches a method of converting optical barcode signals into audio barcode tones to form audio barcode signal and transmitting the audio tones to a device over a network [see for example, 5, paragraphs 0021 and 0022]. Both Ogasawara and Colavin use a wireless communication device to transmit barcode information over a network. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Colavin within the system of Ogasawara in order to easily and quickly transmit barcodes over a network. Ogasawara could have been modified by Colavin by transmitting scanned barcodes that are transmitted from a wireless telephone to a server computer as taught by Ogasawara above and transmitting the barcode information as audio barcode signals as taught by Colavin.

7. As per claim 29, Ogasawara teaches an apparatus, comprising:
 - a processor having circuitry to execute instructions [figure 2, unit 38];
 - a communications interface coupled to the processor, the communications interface to receive audio barcode signal and to transmit received audio barcode signals to a transaction server computer [see for example figure 3, units 20, 100, 104, 110 and 102];
 - a scanning device to scan product barcodes and provide scanned product barcodes to the processor [figure 3, unit 20]; and
 - a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to: scan one

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or more product barcodes to generate an optical barcode signal, and transmit, via a communications device, the barcode signals to a transaction server computer, such that the transaction computer processes the one or more optical barcodes signals in accordance with at least one barcode processing instruction [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18]. Ogasawara further teaches transmitting the product barcodes via a wireless telephone. It is also old and well known in the art that wireless telephone communication uses audio tones for data transmission and reception (for example DTMF tones). Ogasawara further teaches communication audio data between a wireless device and the server computer using microphone and speaker [see column 11, lines 36-44]. Ogasawara is silent on converting the product barcodes into audio tones and transmitting scanned barcodes as audio tones.

Colavin teaches a method of converting optical barcode signals into audio barcode tones to form audio barcode signal and transmitting the audio tones to a device over a network [see for example, 5, paragraphs 0021 and 0022]. Both Ogasawara and Colavin use a wireless communication device to transmit barcode information over a network. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to employ the teachings of Colavin within the system of Ogasawara in order to easily and quickly transmit barcodes over a network. Ogasawara could have been modified by Colavin by transmitting scanned barcodes that are transmitted from a wireless telephone to a server computer as taught by Ogasawara above and transmitting the barcode information as audio barcode signal as taught by Colavin.

8. As per claims 2, 3, 10, 11 and 30, Ogasawara further teaches the method further comprising: transmitting a connection request to the transaction server computer,

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including verification information; and when verified, receiving a connection request acknowledgment from the transaction server computer [column 6, lines 13-31].

9. As per claims 4, 12 and 31, Ogasawara further teaches the method wherein scanning product barcodes further comprises: scanning a product barcode, when a read mode is detected, storing the scanned product barcode, and repeating the scanning and storing until a transmit mode is detected [column 7, lines 13-22 and column 19 lines 45-59].

10. As per claims 5, 13 and 32, Colavin further teaches converting the barcodes further comprises: selecting a stored optical barcode signal from the one or more scanned product barcodes, converting the optical barcode signal into an audio barcode signal to enable transmission via a voice communications device; and repeating the selecting and converting for each stored optical barcode signal [column 5, lines 11-28].

11. As per claims 6 and 14, Ogasawara further teaches the method further comprising: selecting a barcode processing instruction, and transmitting the selected barcode processing instruction to the transaction server computer [column 7, lines 34-39, column 10, lines 42-49, column 11, lines 37-45 and column 20, lines 10-18].

12. As per claims 7, 8, 15 and 16, Ogasawara further teaches the method further comprising further comprising: when the barcode processing instruction is a product purchase instruction, receiving product availability information, including one of a product price, a product source and one or more product delivery options and when the product is desired according to the received product availability information, providing a

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product purchase acknowledgement to the transaction server computer [column 6, lines 42-57].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

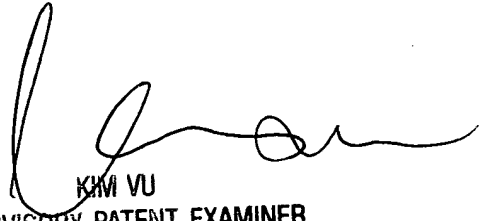
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Beemnet Dada

October 15, 2006



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SUPERVISORY PATENT EXAMINER
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